

REMARKS

This application has been reviewed in light of the Office Action dated December 13, 2005. Claims 1, 2, 4-7, 18-20 and 23-28 are presented for examination. Claims 1, 18 and 23, the independent claims, have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the amended claims.

Claims 1, 2, 4-7, 18-20 and 23-28 were rejected under 35 U.S.C. § 103(a) as being obvious from United States Patents 6,804,016 (Hashimoto) and 5,507,003 (Pipkins), taken in combination.

Claim 1 is directed to an image output apparatus including an image generator, a controller and an image forming unit. The image generator is adapted to generate bitmap data based upon page description language transmitted from a host computer. The controller is adapted to receive the bitmap data generated by the image generator and transmit the bitmap data to an image forming unit. The image forming unit is adapted to record an image on a recording medium based upon the bitmap data inputted from the controller. The controller detects an occurrence of an error in the image generator and, when an error has been detected, issues the image generator an order to execute an initialization or a reset, and the controller judges that an error has occurred in the image generator if an instruction that has been transmitted to the image generator is not responded to in a predetermined period of time. Also, according to Claim 1, when an error has been detected, the image forming unit proceeds with an operation in progress without executing initialization and without executing reset.

Among other notable features of Claim 1 is the controller, which detects an occurrence of an error in the image generator and, when an error has been detected, issues the image generator an order to execute an initialization or a reset, in combination with the image forming unit continuing with the operation in progress at the time of the error, without resetting or re-initializing. As a result, if the image forming unit itself is functioning properly, that unit can proceed with its operation, thus avoiding wasted time, toner, paper, etc.

Hashimoto relates to a control apparatus for a scanner/printer. When an error occurs in a job processing operation and the printer is restored from the abnormality, the job is restarted. As is stated in the Office Action, *Hashimoto* does not teach or suggest a restart of the process in response to a failure to generate an instruction following a predetermined time. In addition, Applicant respectfully submits that *Hashimoto* does not teach or suggest that the “controller detects an occurrence of an error in said image generator and, when an error has been detected, issues said image generator an order to execute an initialization or a reset,” as recited in Claim 1. Rather, in the *Hashimoto* apparatus, a job is restarted, as opposed to an image generator being reset, as recited in Claim 1. Indeed, if a job being performed by the *Hashimoto* apparatus, were initialized or reset, it would be lost.

Moreover, Applicant submits that nothing in *Hashimoto* would teach or suggest an arrangement in which, when a controller detects an error (and issues an order to an image generator to execute resetting or re-initialization), an image forming unit continues executing a job it is performing, without resetting or re-initializing, as recited in Claim 1.

For all these reasons, it is believed to be clear that Claim 1 is allowable over *Hashimoto* taken alone.

Pipkins, in Applicant's view, does not remedy the deficiencies of *Hashimoto* as a reference against Claim 1. *Pipkins* relates to a protocol for providing bidirectional communication capability between a host computer and a printer over a parallel interface. A forward channel serves for the transfer of signals from the host computer to the printer, and the channel can be turned around so as to establish a reverse channel to allow transfer of data from the printer to the host computer. *Pipkins* discusses protocol timeouts wherein if a wait loop on the host computer times out while a dialogue is open, the host attempts to close the dialogue. If a timeout occurs while the host is closing the dialogue, the host can reset the printer to abort the dialogue and cancel the job.

Applicant submits, however, that nothing has been found, or pointed out, in *Pipkins* that would teach or suggest that a controller that “detects an occurrence of an error in said image generator and, when an error has been detected, issues said image generator an order to execute an initialization or a reset”, or that the “controller judges that an error has occurred *in said image generator* if an instruction that has been transmitted to said image generator is not responded to in a predetermined period of time [emphasis added]”, as recited in Claim 1. Nor has anything been found or pointed out in that patent that would teach or suggest an arrangement in which, upon detection of an error, an image forming unit continues performing a job that it is currently performing, in spite of issuance of an order by the controller to an image generating unit to reset or re-initialize, as also recited in Claim 1.

For all these reasons, even if *Pipkins* is combined in the proposed fashion with *Hashimoto* (and even assuming the proposed combination would be a permissible one), the result would not meet the terms of Claim 1.

Accordingly, Applicant submits that Claim 1 is patentable over *Hashimoto* and *Pipkins*, whether considered separately or in any permissible combination (if any).

Independent Claims 18 and 23 recite features similar to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over the cited art for the reasons discussed above. Moreover, in this regard, Applicant must respectfully maintain that neither the outstanding final Office Action, nor the last (non-final) Office Action, addresses either (1) the recitation in Claim 18 that the “controller issues said image generator the order to execute initialization or to reset, in response to an instruction to initialize or to reset said image generator with said display unit, or (2) the recitation of Claim 23 that the “controller, which has detected the occurrence of an error in said image generator, halts communication with said image generator and notifies an operator of occurrence of the error by a display or sound before the order to execute initialization or reset is issued to said image generator”. The Office Action does mention the presence of a display in the prior art, but does not, as far as Applicant can tell, cite anything in the prior art that would teach or suggest an instruction for resetting or initialization with a display unit, as in Claim 18. Also, nothing has been observed in either of the two mentioned Office Actions that addresses the quoted recitation of Claim 23. Accordingly, Applicant still maintains that not even a proper *prima facie* case of obviousness has been made out with respect to those claims.

A review of the other art of record has failed to reveal anything which, in Applicant’s opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

s/Leonard P Diana/
Leonard P. Diana
Attorney for Applicant
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200